

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Kenneth Ray Bates

Natalie Maria Pough

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Sylvia Tawanda Vandroff, Trina Clarkson,
Marolyn D. Vandroff, Kylee Martin, Elizabeth
Kinder, Shardice Sharp; and Brenda Robinson

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed *in forma pauperis*.

RECEIVED
USDC CLERK, COLUMBIA, SC
2017 FEB -6 AM 11:04

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Kenneth Ray Bates
 All other names by which you have been known:

 ID Number 42519-060
 Current Institution USP-HAZELTON
 Address P.O. BOX 2000
BRUCETON MILLS, WV 26525

B. The Defendant(s) (SEE ATTACHED SHEET)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Sylvia Tawanda Vandroff
 Job or Title C.E.O. - Founder
 (if known)
 Shield Number
 Employer Eli-Solution; Another Chance Publishing Company; Another Chance
 Address to Bridge the Gap Publishing Company.
P.O. BOX 78, MULLINS, SC 29574
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Trina Clarkson

ADDITIONAL SHEET FOR PLAINTIFF'S NAME AND ADDRESS

1. The Parties to this Complaint

A. The Plaintiff(s)

Natalie Maria Pough
244 South Ann Street
Lancaster, PA 17602

Job or Title	LIASON ADMINISTRATOR
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(if known)

Shield Number

Eli-Solution; Another Chance; and Another Chance to Bridge

Employer

the Gap Publishing Company/Conglomerate

Address

P.O. BOX 78, MULLINS, S.C. 29574

☒ Individual capacity☒ Official capacity

Defendant No. 3

Name

Marolyn D. Vandroff

Job or Title

Liason Executive

(if known)

Shield Number

Employer

Address

Eli-Solution; Another Chance; and Another Chance to Bridge the
Gap Publishing Company/Conglomerate
P.O. BOX 78, MULLINS, S.C. 29574☒ Individual capacity☒ Official capacity

Defendant No. 4

Name

Kylee Martin

Job or Title

Liason Administrator

(if known)

Shield Number

Employer

Address

Eli-Solution; Another Chance; and Another Chance to Bridge the
Gap Publishing Company/Conglomerate
P.O. BOX 78, MULLINS, S.C. 29574☒ Individual capacity☒ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

(SEE ATTACHED SHEET FOR BASIS FOR JURISDICTION)

(ADDITIONAL PAGES FOR JURISDICTION)

II. Basis for Jurisdiction

Under 42 USC § 1983; 1985; and 1986 for the "deprivation of any rights, privileges, or immunities secured by the Constitutions, [State and Federal Laws].

ADDITIONAL PAGES

Defendant No. 5 Elizabeth Kinder

Liason /Communication

Eli-Solution; Another Chance Publishing Company; and Another Chance to Bridge
The Gap Publishing Company/Conglomerate Company

P.O. Box 78, Mullins, S.C. 29574

x - Individual Capacity

x - Official Capacity

Defendant No. 6 Shardice Sharp

Liason/Finances

Eli- Solution, Another Chance Publishing Company; and Another Chance to Bridge
The Gap Publishing Company

P.O. Box 78, Mullins, S.C. 29574

x - Individual Capacity

x - Official Capacity

Defendant No. 7 Brenda Robinson

Receptionist

Eli-Solution, Another Chance Publishing Company; and Another Chance to Bridge
the Gap Publishing Company

P.O. Box 78, Mullins, S.C. 29574

x - individual Capacity

x - Official Capacity

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☐ State or local officials (a § 1983 claim)
- ☒ This is against outside private company and individuals.

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

14th Amendment for violation of: 1. Failure to render Services due; 2. Intentional, Knowingly, Willfully, Deliberate Indifference; 3. Breach of Contract; 4. False Advertisement; 5. Theft by Deception; 6. Copy-Rights Infringement; and 7. Fraud.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

N/A

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee

☐ Convicted and sentenced state prisoner

☒ Convicted and sentenced federal prisoner

☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

" SEE ATTACHED SHEETS"

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

" SEE ATTACHED SHEETS"

- C. What date and approximate time did the events giving rise to your claim(s) occur?

" SEE ATTACHED SHEETS"

- D. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

" SEE ATTACHED SHEETS "

ATTACHED SHEET TO IV. STATEMENT(S) OF CLAIMS

#1. Through advertisement, I Plaintiff Kenneth R. Bates, contacted defendant(s) Eli-Solution; Another Chance Publishing; and Another Chance to Bridge the Gap, Company to assist me in Editing, Design, and Copy Right Plaintiff/Author of my book "Law of Necessity vs Criminal Mind of Society" and to have the same book put on "Create-Space, Amazon.Comm.

#2. Defendant Sylvia Tawanda Vandroff is the C.E.O. and founder of the company/conglomerate: "Eli-Solution: Another Chance Publishing and Another Chance to Bridge the Gap, Company, who approved the Editing, Designing, and Copy Rights of my book titled: "Law of Necessity vs Criminal Mind of Society", written by Plaintiff/Author Kenneth R. Bates.

#3. I, Plaintiff/Author Kenneth R. Bates of the book, "Law of Necessity vs Criminal Mind of Society", paid in the amount of approximately \$565.00 to the company's financial liason and defendant Shardice Sharp, in March, 2016. This fee and an extra \$35.00 fee was paid for the Copy-Rights for/to the book titled "Law of Necessity vs Criminal Mind of Society."

#4. Defendant Marolyn D. Vandroff, is an Executive liason that over-sees the activities of the company in which this defendant did sign off on the production.

#5. Defendant Trina Clarkson, was/is the Administrative liason and encharge of Editing books.

#6. Defendant Kylee Martin was/is the Administrative liason that over-sees the Editing; Designs; and Copy-Rights of books that comes to their company and was in communication with Plaintiff/Author of the book titled "Law of Necessity vs Criminal Mind of Soccity." She was also the communication liason for the company "Eli-Solution; Another Chance Publishing Company; and Another Chance to Bridge the Gap/ conglomerate.

#7. Defendant Elizabeth Kinder, was also, a communication liason which kept Plaintiff/Author informed of the process and progress of publication.

#8. Defendant Brenda Robinson, was/is the receptionist, who paced a fake F.B. page on her Website trying to use the title of my book "Law of Necessity vs Criminal Mind of Soccity," in an attempt to solicit funds for my book titled "Law of Necessity vs Criminal Mind of Soccity" for her personal gain. She was/is the receptionist for the publishing company and conglomerate business "Eli-Solution; Another Chance Publishing Company; and Another Chance to Bridge the Gap.

#9. On or about May 13th, 2016, the defendant(s) mailed the first proof read of my/Plaintiff/Author book titled "Law of Necessity vs Criminal Mind of Soccity". Plaintiff/Author made the necessary corrections and sent them E-mails back to "Eli-Solutions/ Conglomerate, for them to further do the Editing Design, and Copy-Rights.

#10. On or about June 6th, 2016, the Defendant(s) mailed

to plaintiff/Author a second proof read of my book titled "Law of Necessity vs Criminal Mind of Society", from their company and I Plaintiff/Author sent E-mails back after making the necessary corrections.

#11. On or about August 16th, 2016, the defendant(s) again for the third time sent Plaintiff/Author a proof read of my book titled "Law of Necessity vs Criminal Mind of Society", in which I Plaintiff/Author made the necessary corrections and mailed it back to the defendant(s) and their company/conglomerate publishing company.

#12. On or about November 30th, 2016, the defendant(s) again for the fourth time sent Plaintiff/Author a proof read of my book titled "Law of Necessity vs Criminal Mind of Society" from their company, in which Plaintiff/Author made the necessary corrections and mailed back to the defendant(s) conglomerate publishing company.

#13. On or about January 14th, 2017, Plaintiff/Author received an E-mail from his family that stated "the titled book 'Law of Necessity vs Criminal Mind of Society' was being sold online since December 23rd, 2016" by Amazon Digital Service LLC for the amount of \$1.99 (Kindle Edition) without my knowledge and without my Plaintiff's permission.

There was a proof of purchase made in January, 2017, online for the book titled "Law of Necessity vs Criminal Mind of Soccity" with a purchasing number of Do1-5908739-358-1009 for the amount of \$1.99 plus 12¢ tax which came to a total of \$2.11 which authorization was given by the defendant(s) and the Eli-Solution, another chance Publishing Company and Another Chance to Bridge the Gap, Conglomerate Publishing Company.

#14. My book Titled "Law of Necessity vs Criminal Mind of Society" has been on advertise since May of 2016, by the defendant(s) and their conglomerate publishing company, which I was told that my book titled "Law of Necessity vs Criminal Mind of Society" would be ready to go on sale by June of 2016.

#15. I Plaintiff/Author was told by the defendant(s) and their book publishing company and conglomerate company that it usually would take only one proof read. After the corrections are made, the book then goes on sale.

#16. I Plaintiff/Author was given an E-mail address by the defendant(s) and their publishing conglomerate company and password with CreateSpace and Amazon.Com. The E-mail and password was Bates.Authorofmylife@Yandex.Com pw.Champagne99 on August 22nd 2016.

#17. Plaintiff/Author password in the month of November 2016 was changed due to the many complications dealing with the publications. I requested my new password on several different occassions and was refused the access to my password.

#18. The defendant(s) and their conglomerate publishing company were the only individuals that had a copy of the manuscript and were the only ones who could have started any publication and sales without my permission or knowledge. The E-book that went online for \$1.99 by Amazon Digial Service LLC, was a direct Intentional, Knowingly, Willfully Deliberate Indifference made by this conglomerate company.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

" SEE ATTACHED SHEETS "

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

" SEE ATTACHED SHEETS "

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." N/A

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

N/A

V. INJURIES

Plaintiff/Author suffered the lost and theft of \$565.00 which was sent to the defendant(s) for the services of: Editing; Designs; and Copy-Rights;

Plaintiff/Author suffered emotional pain and suffering from the defendant'(s):
1. Failure to render services due upon payment; 2. Intentional, knowingly, willfully, and deliberately Indifference for services due/which was nor performed; 3. Breach of Contract; 4. False Advertisement; 5. Theft by deception; 6. Fraud; and 7. Copy-Rights and Infringement;

Plaintiff/Author suffered from the lost of Investor's who were also willing to invest and assist in circulating the copies of the book titled "Law of Necessity vs Criminal Mind of Society"; these Investors are/were: (1) Rodney Bunley, who was prepared to invest in the amount of \$500.00; and (2) Natalie Pough, who also was prepared to invest in the amount of \$500.00 and because of the defendant(s)' unsavory conduct; they also withdrew their intentions of investment;

By the defendant(s) and their company: Eli-Solution; Another Chance; and Another Chance to Bridge the Gap Publishing Company/Conglomerate Publishing Company refusing to give me the new password so that I would/could still have access to make any other alterations, and communications and/or the ability to change my password to where no-one else would have access to my book titled "Law of Necessity vs Criminal Mind of Society" but me Plaintiff/Author, and which prevented me Plaintiff/Author from the publication of my book titled "Law of Necessity vs Criminal Mind of Society," and or making any investments with Creatrspace.Amazon.com, and or with any other investors that was interested in making an investment.

RELIEF

#1. That the defendant(s) must finish the publication of my book and E-book. According to plaintiff satisfaction before it goes on sale.

#2. That all of my material is returned back to me. The original manuscript, and any and all PDF files.

#3. Copy-Rights are agreed to in place in the Library of Congress.

#4. That the title of my book and/or material can-not be sold without my permission, no copies, brands or trademarks.

#5. All out of pocket expenses is paid.

#6. Defendant(s) must stop the illegal sale of my (E-book) by Amazon Digital Service LLC. In any and all proceeds from the sales must go to the plaintiff.

#7. Defendant(s) must pay for all filing fees, court cost, and any other relief that the court deems just and proper.

#8. Defendants must return all banking account numbers, routing numbers and social security numbers. Defendants will be held responsible for any fraud, theft, and/or for any illegal misuse of the plaintiff personal information.


#9. That this honorable court appoint a prosecutor/investigator to investigate the fake advertisement presented to prisoner(s) by Eli Solutions, Another Chance Publishing, and Another Chance to Bridge the Gap Conglomerate Company.

#10. **WHEREFORE**, Plaintiff/Author prays that this court will order and grant the further following relief; Plaintiff/Author therefore ask this Honorable Court to award in Plaintiff/Author's favor in the amount of :

- (a) \$15,000.00 in compensatory damages, and
- (b) \$20,000.00 in punitive damages, and,
- (c) \$15,000.00 in monetary damages.

Dated this 3rd day of FEBRUARY, 2017.

Submitted By,


Kenneth R. Bates, Plaintiff/Author

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

N/A

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

N/A

☐ Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☐ No

N/A

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

- ☐ N/A Yes
☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

- ☐ Yes
☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s)

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2/3, 2017

Signature of Plaintiff

Printed Name of Plaintiff

Kenneth Ray Bates
KENNETH RAY BATES

Prison Identification #

42519-060

Prison Address

USP-HAZELTON P.O. BOX 2000

BRUCETON MILLS, WV 26525

City

State

Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm